

REMARKS

Claims 1-30 are pending in this application. Claims 1, 17, and 22 have been amended. Support for the amendments is found in the specification and claims as filed.

Priority

A certified copy of PCT/AU00/00352 is enclosed. Enclosed is a copy of the PCT/IB/332 indicating a demand was timely filed for international preliminary examination in PCT/AU00/00352. An appropriate reference to the prior PCT application PCT/AU00/00352 is now included in the specification. A new declaration correctly claiming the foreign and domestic priority has been prepared and will be forwarded to the USPTO as soon as execution by each of the inventors is completed.

Specification

The specification has been objected to for various formalities. The specification has been amended to clarify the communication relation between the end cap 20, the cleaning conduit 11, and the collar 4. The specification has also been amended to clarify the description of removal of effluent. Accordingly, Applicants respectfully request withdrawal of the objection.

Drawings

The drawings are objected to as not indicating the locking flange 6 in Figure 3. Figure 3 has been amended to depict the locking flange 6. Accordingly, Applicants respectfully request withdrawal of the objection.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-7, 10, 12-23, and 25-30 have been rejected under 35 U.S.C. §102(b) as anticipated by WO91/16124. "A rejection for anticipation under section 102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference." *See, e.g., In re Paulsen*, 31 USPQ2d 1671 (Fed. Cir. 1994). WO91/16124. does not disclose every element of Applicants' claims, and therefore cannot be considered as an anticipating reference under 35 U.S.C. § 102(b).

Pending independent claim 1 recites a membrane filtration manifold comprising, *inter alia*, a clip adapted to "at least in part surround both said collar and said locking formation." Pending independent Claim 17 to a membrane filtration apparatus and pending independent Claim 22 to a membrane filtration apparatus bank recite the same limitation. WO91/16124 discloses a clip 68 that is actuated by the outer sleeve 56 being positioned over the clip 68. The clip disclosed in WO91/16124 does not at least in part surround both a collar and a locking formation, and therefore cannot anticipate pending Claims 1-7, 10, 12-23, and 25-30. Accordingly, Applicants respectfully request that the anticipation rejection of Claims 1-7, 10, 12-23, and 25-30 be withdrawn.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 8, 9, and 11 have been rejected under 35 U.S.C. §103(a) as obvious over WO91/16124 in view of Hickok (US 5,401,401). To articulate a *prima facie* case of obviousness under 35 U.S.C. §103(a), the PTO must, *inter alia*, cite prior art that teaches or suggests all the claimed limitations. *In re Royka*, 490 F.2d 981 (C.C.P.A. 1974).

As discussed above in regard to the anticipation rejection, the pending independent claims recite a clip adapted to "at least in part surround both said collar and said locking formation." Also as discussed above, WO91/16124 does not teach or suggest this limitation. Hickok teaches a split ring clip, hand adjustable, with projections and flanges to engage with grooves in the mating pipe. The clip of Hickok does not, however, at least in part surround both a collar and a locking formation. Since neither WO91/16124 nor Hickok discloses a clip that is adapted to at least in part surround both a collar and a locking formation, WO91/16124 and Hickok, alone or in combination, do not render obvious Claims 8, 9, and 11. Accordingly, Applicants respectfully request that the obviousness rejection of Claims 8, 9, and 11 be withdrawn.

CONCLUSION


In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns that might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Appl. No. : 045,186
Filed : 10/18/01

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 4, 2003

By: 
Rose M. Thiessen
Registration No. 40,202
Attorney of Record
Customer No. 20,995
(619) 235-8550

AMEND
S:\DOCS\RMTRMT-8858.DOC
022403

PATENT COOPERATION TREATY

PCT

INFORMATION CONCERNING ELECTED
OFFICES NOTIFIED OF THEIR ELECTION

(PCT Rule 61.3)

From the INTERNATIONAL BUREAU

To:

BALDWIN SHELSTON WATERS
60 Margaret Street
Sydney, NSW 2000
AUSTRALIE

115017

| | | |
|---|--|--|
| Date of mailing (day/month/year) 22 November 2000 (22.11.00) | | |
| Applicant's or agent's file reference 27837WOP00 WALKER H | | |
| International application No. PCT/AU00/00352 | International filing date (day/month/year) 20 April 2000 (20.04.00) | Priority date (day/month/year) 20 April 1999 (20.04.99) |
| Applicant USF FILTRATION AND SEPARATIONS GROUP INC. et al | | |

IMPORTANT INFORMATION

1. The applicant is hereby informed that the International Bureau has, according to Article 31(7), notified each of the following Offices of its election:

AP : GH, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW
 EP : AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE
 National : AG, AU, BG, CA, CN, CZ, DE, DZ, IL, JP, KP, KR, MN, NO, NZ, PL, RO, RU, SE, SK, US

2. The following Offices have waived the requirement for the notification of their election; the notification will be sent to them by the International Bureau only upon their request:

EA : AM, AZ, BY, KG, KZ, MD, RU, TJ, TM
 OA : BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG
 National : AE, AL, AM, AT, AZ, BA, BB, BR, BY, CH, CR, CU, DK, DM, EE, ES, FI, GB, GD, GE, GH,
 GM, HR, HU, ID, IN, IS, KE, KG, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MW, MX, PT, SD,
 SG, SI, SL, TJ, TM, TR, TT, TZ, UA, UG, UZ, VN, YU, ZA, ZW

3. The applicant is reminded that he must enter the "national phase" before the expiration of 30 months from the priority date before each of the Offices listed above. This must be done by paying the national fee(s) and furnishing, if prescribed, a translation of the international application (Article 39(1)(a)), as well as, where applicable, by furnishing a translation of any annexes of the international preliminary examination report (Article 36(3)(b) and Rule 74.1).

Some offices have fixed time limits expiring later than the above-mentioned time limit. For detailed information about the applicable time limits and the acts to be performed upon entry into the national phase before a particular Office, see Volume II of the PCT Applicant's Guide.

The entry into the European regional phase is postponed until 31 months from the priority date for all States designated for the purposes of obtaining a European patent.

| | |
|--|---|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35 | Authorized officer: Manu Berrod Telephone No. (41-22) 338.83.98 |
|--|---|

Form PCT/IB/332 (September 1997)

3676171

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

| | |
|--------------------------------|--------------------|
| To: Agent | RECEIVED |
| | BSW SYDNEY |
| BALDWIN SHELSTON WATERS | 15 NOV 2000 |
| Level 21 | |
| 60 Margaret Street | 109563 |
| SYDNEY NSW 2000 | |
| TO | DATE |
| JP | 15/11 |

NOTIFICATION OF RECEIPT OF DEMAND BY COMPETENT INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

(PCT Rule 59.3(e) and 61.1(b), first sentence
and Administrative Instructions, Section 601(a))

| | | |
|---|---|---|
| Applicant's or agent's file reference 27837WOP00 | | Date of mailing (day/month/year) 14 NOV 2000 (14/11/00) |
| IMPORTANT NOTIFICATION | | |
| International application No. PCT/AU00/00352 | International filing date (day/month/year) 20 APR 2000 (20/4/00) | Priority date (day/month/year) 20 APR 1999 (20/4/99) |
| Applicant USF Filtration and Separations Group Inc (et al.) | | |

1. The applicant is hereby **notified** that this International Preliminary Examining Authority considers the following date as the date of receipt of the demand for international preliminary examination of the international application:

7 NOV 2000 (7/11/00)

2. That date of receipt is:



the actual date of receipt of the demand by this Authority (Rule 61.1(b)).



the actual date of receipt of the demand on behalf of this Authority (Rule 59.3(e)).



the date on which this Authority has, in response to the invitation to correct defects in the demand (Form PCT/IPEA/404), received the required corrections.

3. ☐ **Attention:** That date of receipt is **AFTER** the expiration of 19 months from the priority date. Consequently, the elections(s) made in the demand does (do) not have the effect of postponing the entry into the national phase until 30 months from the priority date (or later in some Offices) (Article 39(1)). Therefore, the acts for entry into the national phase must be performed within 20 months from the priority date (or later in some Offices) (Article 22). For details, see the *PCT Applicant's Guide, Volume II*.



(If applicable) This notification confirms the information given by telephone, facsimile transmission or in person on:

4. Only where paragraph 3 applies, a copy of this notification has been sent to the International Bureau.

Name and mailing address of the IPEA/AU
AUSTRALIAN PATENT OFFICE
PO BOX 200, WODEN ACT 2606, AUSTRALIA
E-mail: pct@ipaaustralia.gov.au
Facsimile No. 02 6285 3929

Authorized officer

JOSEPH BRESIC

02 6283 2357

Telephone No.

Form PCT/IPEA/402 (July 1998)